#3

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## "METHOD AND APPARATUS FOR AUTOMATED IDENTIFICATION OF HEALTH RISKS FOR A PATIENT"

| Case No  | P01,0151  | , the specification of which  |   |
|--|---|---|---|
|  |   | is attached hereto.   |   |
| (chec  | ck X  |   | . as  |
| one)   |   | Application Serial No. 09/837,  |   |
| 3110)  |   | and was amended on  |   |
|  |   | (if applicable)   |   |
|  |   | ed by any amendment referred to abo   | tents of the above identified specification, ove.   |
|  |   |   | tent Office all information which is known to m<br>with Title 37, Code of Federal Regulations,  |
| before my or of<br>our invention<br>in the United been patented<br>country foreign<br>more than two<br>invention has | our invention the thereof or more of States of Americ or made the subgen to the United Selve months prior been filed in any | reof, or patented or described in any han one year prior to this application a more than one year prior to this appliect of an inventor's certificate issued tates of America on an application for to this application, and that no application, | cnown or used in the United States of America printed publication in any country before my or a, that the same was not in public use or on sale plication, and I believe that the invention has not before the date of this application in any filed by me or my legal representatives or assign ication for patent or inventor's certificate on this of America prior to this application by me or |
| application(s)   | for patent or inv   | entor's certificate listed below  | ited States Code, 119 of any foreign  |
| Prior<br>Num   | : Foreign Applica<br>ber  | tion(s)  Country  | Date  |
| 1001   | 9498.2  | Germany   | April 19, 2000  |
| that of the abo  |   | tion on which priority is claimed:  | r inventor's certificate having a filing date before  |
| Num  |   | intry Date  |   |
|  |   |   |   |

(ii) Asserting an argument of patentability.

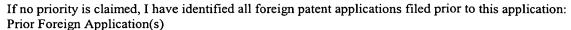
<sup>(</sup>b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

<sup>(1)</sup> It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

<sup>(2)</sup> It refutes, or is inconsistent with, a position the applicant takes in:

<sup>(</sup>i) Opposing an argument of unpatentability relied on by the Office, or

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.



Number

Country

Date

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

And I hereby appoint all Attorneys identified by the United States Patent & Trademark Office Customer Number 26574, who are all members of the Firm Schiff Hardin & Waite.

## **Send correspondence to:** SCHIFF HARDIN & WAITE

Patent Department

6600 Sears Tower Chicago, Illinois 60606-6473

## CUSTOMER NUMBER 26574

Direct Telephone Number for Steven H. Noll (312) 258-5790

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| Full name of sole or firs    | st inventor KLAUS ABRAHAM-1 | FUCHS  |                                       |
|------------------------------|-----------------------------|--------|---------------------------------------|
| Inventor's signature <u></u> | Mens MI Del                 | Date X | -/21/0                                |
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| <b>,</b>                     | (if any)                    |        |                                       |
| Inventor's signature         |                             | Date   |                                       |
|                              |                             |        |                                       |
| Citizenship                  |                             |        |                                       |
| Post Office Address          |                             |        |                                       |
|                              |                             |        |                                       |
| Full name of third joint     |                             |        |                                       |
| (if any                      | y)                          |        |                                       |
| Inventor's signature         |                             | Date   | · · · · · · · · · · · · · · · · · · · |
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